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Attorneys for Plaintiff and Counter Defendant  
 ViaSat, Inc.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

**ViaSat, Inc.,**  
*a Delaware corporation,*

Plaintiff  
 and Counter Defendant,

v.

**Acacia Communications, Inc.,**  
*a Delaware corporation,*

Defendant  
 and Counter Claimant,

) Case No.: 3:16-cv-00463-BEN-JMA  
 )  
 ) **Reply Declaration of Kenneth M.**  
 ) **Fitzgerald In Support Of Plaintiff**  
 ) **ViaSat, Inc.'s Motion for Partial**  
 ) **Summary Judgment**  
 )  
 ) Date: March 5, 2018  
 ) Time: 10:30 a.m.  
 ) Place: Courtroom 5A  
 )  
 ) Dist. Judge: Hon. Roger T. Benitez  
 ) Hon. Magistrate Jan M. Adler  
 ) Case Initiated: January 21, 2016

1 I, Kenneth M. Fitzgerald, declare as follows:

2 1. I am an attorney at Fitzgerald Knaier LLP, counsel for plaintiff and  
3 counter defendant ViaSat, Inc. I am licensed to practice law in the State of  
4 California and admitted to this Court. I have personal knowledge of the facts set  
5 forth in this declaration, to which I could and would testify competently if called  
6 upon to do so.

7 2. Attached as Exhibits 60 and 63 are true and correct copies of  
8 documents produced in discovery by counsel for Acacia. The documents all bear  
9 the Bates numbers used by Acacia to designate its documents, beginning with the  
10 prefix "ACI," and all were marked by Acacia as "Highly Confidential – Attorneys'  
11 Eyes Only" under the terms of the Stipulated Protective Order in this action.

12 3. Attached hereto as Exhibits 61 through 62 are true and correct excerpts  
13 from the deposition transcripts of the following witnesses, with the relevant  
14 testimony marked in brackets:

- 15 • Bhupendra "Bhupen" Shah (30(b)(6) designee of Acacia)
- 16 • Benny Mikkelsen, Ph.D.

17 I declare under penalty of perjury under the laws of the United States of  
18 America that the foregoing is true and correct. Executed this 26th day of February  
19 2018 in San Diego, California.

20  
21 s/ Kenneth M. Fitzgerald

22 Kenneth M. Fitzgerald  
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**CERTIFICATE OF SERVICE**

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that am causing the foregoing document to be served by electronic means via email upon counsel for Acacia Communications, Inc., per the agreement of counsel.

Dated: February 26, 2018

s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.